

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
AGENCY APPEAL PRE-ARGUMENT STATEMENT (FORM C-A)**

☐ APPLICATION FOR ENFORCEMENT

☒ PETITION FOR REVIEW

1. SEE NOTICE ON REVERSE.

2. PLEASE TYPE OR PRINT.

3. STAPLE ALL ADDITIONAL PAGES.

CAPTION:  CONSTELLATION BRANDS U.S. OPERATIONS, INC., d/b/a Woodbridge Winery,  v.  NATIONAL LABOR RELATIONS BOARD		AGENCY NAME:  NLRB		AGENCY NO.:  32-CA-148431	
		DATE THE ORDER UPON WHICH REVIEW OR ENFORCEMENT IS SOUGHT WAS ENTERED BELOW:  July 29, 2015		ALIEN NO : (Immigration Only)	
		DATE THE PETITION OR APPLICATION WAS FILED:  July 31, 2015		Is this a cross-petition for review / cross-application for enforcement?  <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<b>Contact Information for Petitioner(s) Attorney:</b>	Counsel's Name: Address: Telephone No.: Fax No.: E-mail:  Shay Dvoretzky, Jones Day, 51 Louisiana Avenue, NW, Washington, DC. 20001 Phone: (202) 879-3474 Fax: (202) 626-1700 sdvoretzky@jonesday.com				
<b>Contact Information for Respondent(s) Attorney:</b>	Counsel's Name: Address: Telephone No.: Fax No.: E-mail:  Linda J. Dreeben, NLRB, 1015 Half St SE, Washington, DC 20570 Phone: (202) 273-2960 linda.dreeben@nrlrb.gov				
JURISDICTION OF THE COURT OF APPEALS (provide U.S.C. title and section):  29 U.S.C. § 160	APPROX. NUMBER OF PAGES IN THE RECORD:  2000	APPROX. NUMBER OF EXHIBITS IN THE RECORD:  60	Has this matter been before this Circuit previously? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If Yes, provide the following:  Case Name:  2d Cir. Docket No.: Reporter Citation: (i.e., F.3d or Fed. App.)		
<b>ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; AND (3) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS PETITION FOR REVIEW OR APPLICATION FOR ENFORCEMENT.</b>					
<b>ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM: (1) THE RELIEF REQUESTED; (2) A LIST OF THE PROPOSED ISSUES; AND (3) THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.</b>					
<b>PART A: STANDING AND VENUE</b>					
<b><u>STANDING</u></b>  PETITIONER / APPLICANT IS: <input type="checkbox"/> AGENCY <input checked="" type="checkbox"/> OTHER PARTY <input type="checkbox"/> NON-PARTY (SPECIFY STANDING):			<b><u>VENUE</u></b>  COUNSEL MUST PROVIDE IN THE SPACE BELOW THE FACTS OR CIRCUMSTANCES UPON WHICH VENUE IS BASED:  Petitioner is incorporated in New York		

**IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.**

**PART B: NATURE OF ORDER UPON WHICH REVIEW OR ENFORCEMENT IS SOUGHT**  
(Check as many as apply)

## TYPE OF CASE:

_____	ADMINISTRATIVE REGULATION/ RULEMAKING	_____	IMMIGRATION-includes denial of an asylum claim
_____	BENEFITS REVIEW	_____	IMMIGRATION-does NOT include denial of an asylum claim
X _____	UNFAIR LABOR	_____	TARIFFS
_____	HEALTH & SAFETY	_____	OTHER:
_____	COMMERCE		(SPECIFY)
_____	ENERGY		

1. Is any matter relative to this petition or application still pending below? ☐ Yes, specify: \_\_\_\_\_ ☒ No

2. To your knowledge, is there any case presently pending or about to be brought before this Court or another court or administrative agency which:

(A) Arises from substantially the same case or controversy as this petition or application ? ☐ Yes ☒ No

(B) Involves an issue that is substantially similar or related to an issue in this petition or application ? ☒ Yes ☐ No

If yes, state whether ☐ "A," or ☐ "B," or ☐ both are applicable, and provide in the spaces below the following information on the *other* action(s):

Case Name: Macy's Inc. v. NLRB / Nestle v. NLRB	Docket No. 15-60022 / 14-2222	Citation:	Court or Agency: 5th Cir. / 4th Cir.
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Name of Petitioner or Applicant:  
Macy's Inc. / Nestle Dreyer's Ice Cream Co.

Date:  
8/14/2015

Signature of Counsel of Record:  
/s/ Shay Dvoretzky

### NOTICE TO COUNSEL

**Once you have filed your Petition for Review or Application for Enforcement, you have only 14 days in which to complete the following important steps:**

1. Complete this Agency Appeal Pre-Argument Statement (Form C-A); serve it upon your adversary, and file it with the Clerk of the Second Circuit in accordance with LR 25.1.
2. Pay the \$500 docketing fee to the Clerk of the Second Circuit, unless you are authorized to prosecute the appeal without payment.

**PLEASE NOTE: IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS WITHIN 14 CALENDAR DAYS, YOUR PETITION FOR REVIEW OR APPLICATION FOR ENFORCEMENT WILL BE DISMISSED. SEE LOCAL RULE 12.1.**